

UNITED STATES DISTRICT COURT
District of Oregon

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UNITED STATES OF AMERICA
 v.

ORDER FOR SENTENCE REDUCTION

Olanice Antjuan Upton

Case Number: CR 05-299 BR
 USM No. 69306-065

Date of Previous Judgment: March 12, 2007
 (Use Date of Last Amended Judgment if Applicable)

Steve Sady
 Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of X the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. §3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED the motion is:

 DENIED. X GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 180 months is reduced to 168 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34

Amended Offense Level: 34 *

Criminal History Category: VI

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Previous Guideline Range: 262 to 327 months

Amended Guideline Range: 262 to 327 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE The reduced sentence is within the amended guideline range.X The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reductions, and the reduced sentence is comparably less than the amended guideline range.X Other (explain):

* The Court determined the base offense level should be reduced to 32, but the career offender adjustment still applied resulting in a adjusted offense level of 37 which, with acceptance of responsibility, resulted in the same total offense level of 34.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated March 12, 2007 shall remain in effect.

IT IS SO ORDERED.Order Date: September 8, 2008


 ANNA J. BROWN, UNITED STATES DISTRICT JUDGE

Effective Date: September 4, 2008
 (if different from order date)